

STATE OF NEW YORK

6498

2021-2022 Regular Sessions

IN SENATE

May 4, 2021

Introduced by Sen. BAILEY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act, in relation to use of restraints on children appearing before the family court

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The family court act is amended by adding a new section
2 162-a to read as follows:

3 § 162-a. Use of restraints on children in courtrooms. (a) Use of
4 restraints. Except as otherwise provided in subdivision (b) of this
5 section, restraints on children under the age of twenty-one, including,
6 but not limited to, handcuffs, chains, shackles, irons or straitjackets,
7 are prohibited in the courtroom.

8 (b) Exception. Permissible physical restraint consisting of handcuffs
9 or footcuffs that shall not be joined to each other may be used in the
10 courtroom during a proceeding before the court only if the court deter-
11 mines on the record, after providing the child with an opportunity to be
12 heard, why such restraint is the least restrictive alternative necessary
13 to prevent:

14 (1) physical injury to the child or another person by the child;

15 (2) physically disruptive courtroom behavior by the child, as
16 evidenced by a recent history of behavior that presented a substantial
17 risk of physical harm to the child or another person, where such behav-
18 ior indicates a substantial likelihood of current physically disruptive
19 courtroom behavior by the child; or

20 (3) flight from the courtroom by the child, as evidenced by a recent
21 history of absconding from the court.

22 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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